

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

COMPRESSOR ENGINEERING
CORPORATION,

Plaintiff,

No. 10-10059

v.

District Judge Paul D. Borman
Magistrate Judge R. Steven Whalen

CHARLES J. THOMAS, JR.,

Defendant.

ORDER

Plaintiff has filed a motion to stay Defendant's motion to compel [Doc. #64], stating that "the parties have agreed to conduct the Plaintiff's deposition *before* completion of briefing and a ruling on Defendant's pending Motion to Compel Discovery Responses from Plaintiff." *Brief in Support of Motion* [Doc. #64], at 1. One would think, then, that this would be resolved by stipulation and order. But instead, Defendant opposes the motion to stay, and seeks discovery prior to the Plaintiff's deposition. Plaintiff's counsel and Defendant's counsel obviously have a failure to communicate.

Nonetheless, Defendant is entitled to discovery before the Plaintiff's deposition, which has apparently been re-scheduled, with proposed dates of January 20-22, 2014. Plaintiff states in a reply brief [Doc. #69] that "Plaintiff has produced and Defendant is in possession of all documents available responsive to Defendant's discovery." If that is the case, then both the present motion and the underlying motion to compel [Doc. #62] are moot.

Plaintiff's motion to stay [Doc. #64] is DENIED.

No later than January 15, 2014, counsel for the parties shall submit a joint statement indicating whether any or all issues raised in Defendant's motion to compel [Doc. #62] have been resolved. If unresolved issues remain, Plaintiff shall file a response to Defendant's motion [Doc. #62] no later than January 17, 2014.

IT IS SO ORDERED.

Dated: January 13, 2014

s/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing document was sent to parties of record on January 13, 2014, electronically and/or by U.S. mail.

s/Michael Williams
Case Manager for the
Honorable R. Steven Whalen